

# COMPLAINT TEMPLATE FOR DRUG CASES

PAGE 1 OF 3

UNITED STATES OF AMERICA U.S. DEPARTMENT OF HOMELAND SECURITY <b>UNITED STATES COAST GUARD</b>	
ADDRESS OF COAST GUARD MARINE SAFETY OFFICE (MSO):     INVESTIGATING OFFICER: TELEPHONE:	FOR DOCKETING CENTER USE ONLY
COMPLAINANT: <b>United States Coast Guard</b>	
RESPONDENT:	DOCKET NUMBER
<b>COMPLAINT</b>	COAST GUARD CASE NUMBER

The Coast Guard has initiated an administrative proceeding against your license, certificate, and/or merchant mariners document (MMD).

Statutory Authority:	<input type="checkbox"/> 46 USC 7704(b) Conviction for a Dangerous Drug Law Violation <input type="checkbox"/> 46 USC 7704(c) Use of or Addiction to the Use of Dangerous Drugs
Regulatory Authority:	46 CFR 5.35

## JURISDICTIONAL ALLEGATIONS

The Coast Guard alleges that:

1. Respondent's address is as follows:

STREET			
CITY		STATE	ZIP
TELEPHONE		FAX	

2. Respondent holds the following Coast Guard-issued credential(s):

<input type="checkbox"/> LICENSE NUMBER	<input type="checkbox"/> MMD NUMBER	<input type="checkbox"/> OTHER
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**1 PAGE(S) OF FACTUAL ALLEGATIONS FOLLOW**

ORIGINAL—Respondent  
COPY—ALJ Docketing Center  
COPY—Marine Safety Office

SHORT TITLE OF CASE

DOCKET NUMBER

U.S. Coast Guard v.

COAST GUARD CASE NUMBER

## FACTUAL ALLEGATIONS—Use of or Addiction to the Use of Dangerous Drugs

The Coast Guard alleges that:

1. On *(date)* Respondent took a Random drug test.
2. A urine specimen was collected by *(collector)* of *(company)*.
3. The Respondent signed a Federal Drug Testing Custody and Control Form.
4. The urine specimen was collected and analyzed by *(lab)* using procedures approved by the Department of Homeland Security.
5. That specimen subsequently tested positive for Amphetamines.

## FACTUAL ALLEGATIONS—Conviction for a Dangerous Drug Law Violation

The Coast Guard alleges that:

1. within the last 10 years, the Respondent was convicted of violating a dangerous drug law of the

## PROPOSED ORDER

The Coast Guard proposes revocation in accordance with 46 USC 7704.

## PROPOSED HEARING LOCATION AND DATES

Location:

Dates: 1st Choice:

**2nd Choice:**

**3rd Choice:**

**4th Choice:**

Received	For the U.S. Coast Guard
<hr/> <i>Respondent</i>	<hr/> <i>Investigating Officer</i>
Refused	Date:
IO's Initials	

SHORT TITLE OF CASE	DOCKET NUMBER:
U.S. Coast Guard v.	COAST GUARD CASE NUMBER:

**RESPONDENT'S INSTRUCTIONS****YOU MUST RESPOND TO THIS COMPLAINT WITHIN 20 DAYS**

1. You must answer these allegations within 20 days of receipt. The rules for Answers are at 33 CFR 20.308 and read as follows:

**§ 20.308 Answers.**

- The respondent shall file a written answer to the complaint 20 days or less after service of the complaint. The answer must conform to the requirements of this subpart for filing and service.
  - The person filing the answer shall, in the answer, either agree to the place of hearing proposed in the complaint or propose an alternative.
  - Each answer must state whether the respondent intends to contest any of the allegations set forth in the complaint. It must include any affirmative defenses that the respondent intends to assert at the hearing. The answer must admit or deny each numbered paragraph of the complaint. If it states that the respondent lacks sufficient knowledge or information to admit or deny a particular paragraph, it denies that paragraph. If it does not specifically deny a particular numbered paragraph, it admits that paragraph.
  - A respondent's failure without good cause to file an answer admits each allegation made in the complaint.
- If you admit the allegations, an Administrative Law Judge (ALJ) will issue an order entering the proposed sanction.
  - If you deny any allegations, an ALJ will schedule a hearing on the matter.
  - You may request an extension of time to file your answer within 20 days. Each request must explain why more time is needed and will be ruled on by an ALJ.
  - If you do not file an answer, request for extension, or attend any scheduled hearing, you may be found in default. Default constitutes an admission of all facts alleged in the Complaint and a waiver of your right to a hearing. If the ALJ finds you in default, a decision could be issued against you without any hearing.
  - You may request a settlement agreement with the Coast Guard. If you wish to discuss a settlement, call the Coast Guard Investigating Officer shown on the first page of this Complaint.
  - If you and the Coast Guard reach agreement, a proposed settlement agreement will be submitted to the ALJ for review and approval. If the ALJ approves the settlement, an order implementing the agreement will be issued.

**YOU HAVE THE RIGHT TO:**

- have representation by counsel at the hearing, and that counsel may be, but need not be, a lawyer (**NOTE:** free legal aid may be available through the state bar or legal aid services);
- have witnesses, records or other evidence subpoenaed;
- examine witnesses;
- cross-examine witnesses;
- introduce relevant evidence into the record; and
- testify to facts or relevant information on your own behalf.

**FILE YOUR ANSWER TO THIS COMPLAINT AT THE FOLLOWING ADDRESS:**

ALJ Docketing Center  
U.S. Customs House  
40 South Gay Street, Room 412  
Baltimore, MD 21202-4022  
Phone: (410) 962-5100  
Fax: (410) 962-1742 or 962-1746

**FILE A COPY OF YOUR ANSWER TO THIS COMPLAINT WITH THE MARINE SAFETY OFFICE (MSO) AT THE ADDRESS SHOWN ON PAGE ONE OF THIS COMPLAINT.**

**YOU MUST NOTIFY THE ALJ DOCKETING CENTER AND THE MSO ON PAGE ONE OF THIS COMPLAINT ANYTIME THERE ARE CHANGES TO YOUR MAILING ADDRESS AND/OR PHONE NUMBER.**

Done at                      this                      day of                      .

Signed \_\_\_\_\_

Investigating Officer for the United States Coast Guard

Type or print name

**CERTIFICATE OF SERVICE**

- ☐ I hereby certify that I have personally served the foregoing document[s] upon the Respondent.
- ☐ I hereby certify that I have served the foregoing document[s] upon the following parties (or their designated representatives) to this proceeding at the addresses indicated by

Name of Party:

Name of Party:

Address:

Address:

- ☐ I hereby certify that I have filed the foregoing document[s] with the ALJ Docketing Center by

Signed \_\_\_\_\_

Date: \_\_\_\_\_

Investigating Officer for the United States Coast Guard

ORIGINAL—Respondent  
COPY—ALJ Docketing Center  
COPY—Marine Safety Office

# COMPLAINT TEMPLATE FOR NON-DRUG CASES

PAGE 1 OF 3

UNITED STATES OF AMERICA U.S. DEPARTMENT OF HOMELAND SECURITY <b>UNITED STATES COAST GUARD</b>	
ADDRESS OF COAST GUARD MARINE SAFETY OFFICE (MSO):   INVESTIGATING OFFICER: TELEPHONE:	FOR DOCKETING CENTER USE ONLY
COMPLAINANT: <b>United States Coast Guard</b>	
RESPONDENT:	DOCKET NUMBER
<b>COMPLAINT</b>	COAST GUARD CASE NUMBER

The Coast Guard has initiated an administrative proceeding against your license, certificate, and/or merchant mariners document (MMD).

Statutory Authority:	
Regulatory Authority:	

## JURISDICTIONAL ALLEGATIONS

The Coast Guard alleges that:

1. Respondent's address is as follows:

STREET			
CITY		STATE	ZIP
TELEPHONE		FAX	

2. Respondent holds the following Coast Guard-issued credential(s):

<input type="checkbox"/> LICENSE NUMBER	<input type="checkbox"/> MMD NUMBER	<input type="checkbox"/> OTHER
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3. Respondent acted under the authority of that license, certificate or document, on \_\_\_\_\_, by:

<input type="checkbox"/> serving as _____	aboard the vessel _____	as required by law or regulation.
<input type="checkbox"/> engaging in official matters regarding that license, certificate or document by applying for renewal.		

**1 PAGE(S) OF FACTUAL ALLEGATIONS ARE ATTACHED**

ORIGINAL—Respondent  
COPY—ALJ Docketing Center  
COPY—Marine Safety Office

SHORT TITLE OF CASE	DOCKET NUMBER
U.S. Coast Guard v.	COAST GUARD CASE NUMBER

**FACTUAL ALLEGATIONS—Negligence**

1. The Coast Guard alleges that on *(date)* at *(location)* the Respondent:
2. ☐ was negligent. By committing an act or failing to perform an act that contributed to a collision between the vessel and
3. ☐ negligently operated the vessel by failing to post a lookout.
4. ☐ negligently *(Specify other negligence)*

**FACTUAL ALLEGATIONS—Misconduct**

1. The Coast Guard alleges that on *(date)* at *(location)* the Respondent:
2. wrongfully .

**FACTUAL ALLEGATIONS—Violation of Law or Regulation**

1. The Coast Guard alleges that on *(date)* at *(location)* the Respondent:
2. violated Title by .
3. This law was intended to promote marine safety or protect navigable waters.

**FACTUAL ALLEGATIONS—Incompetence**

1. The Coast Guard alleges that the Respondent is incompetent:
- 2.

**PROPOSED ORDER**

The Coast Guard proposes: ☐  
☐

**PROPOSED HEARING LOCATION AND DATES**

Location:

Dates: 1st Choice: 2nd Choice: 3rd Choice: 4th Choice:

Received	For the U.S. Coast Guard
   _____ <i>Respondent</i>	   _____ <i>Investigating Officer</i>
Refused IO's Initials	Date:

ORIGINAL—Respondent  
 COPY—ALJ Docketing Center  
 COPY—Marine Safety Office

SHORT TITLE OF CASE	DOCKET NUMBER:
U.S. Coast Guard v.	COAST GUARD CASE NUMBER:

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  - (b) The person filing the answer shall, in the answer, either agree to the place of hearing proposed in the complaint or propose an alternative.
  - (c) Each answer must state whether the respondent intends to contest any of the allegations set forth in the complaint. It must include any affirmative defenses that the respondent intends to assert at the hearing. The answer must admit or deny each numbered paragraph of the complaint. If it states that the respondent lacks sufficient knowledge or information to admit or deny a particular paragraph, it denies that paragraph. If it does not specifically deny a particular numbered paragraph, it admits that paragraph.
  - (d) A respondent's failure without good cause to file an answer admits each allegation made in the complaint.
2. If you admit the allegations, an Administrative Law Judge (ALJ) will issue an order entering the proposed sanction.
  3. If you deny any allegations, an ALJ will schedule a hearing on the matter.
  4. You may request an extension of time to file your answer within 20 days. Each request must explain why more time is needed and will be ruled on by an ALJ.
  5. If you do not file an answer, request for extension, or attend any scheduled hearing, you may be found in default. Default constitutes an admission of all facts alleged in the Complaint and a waiver of your right to a hearing. If the ALJ finds you in default, a decision could be issued against you without any hearing.
  6. You may request a settlement agreement with the Coast Guard. If you wish to discuss a settlement, call the Coast Guard Investigating Officer shown on the first page of this Complaint.
  7. If you and the Coast Guard reach agreement, a proposed settlement agreement will be submitted to the ALJ for review and approval. If the ALJ approves the settlement, an order implementing the agreement will be issued.

**YOU HAVE THE RIGHT TO:**

1. have representation by counsel at the hearing, and that counsel may be, but need not be, a lawyer (**NOTE:** free legal aid may be available through the state bar or legal aid services);
2. have witnesses, records or other evidence subpoenaed;
3. examine witnesses;
4. cross-examine witnesses;
5. introduce relevant evidence into the record; and
6. testify to facts or relevant information on your own behalf.

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**YOU MUST NOTIFY THE ALJ DOCKETING CENTER AND THE MSO ON PAGE ONE OF THIS COMPLAINT ANYTIME THERE ARE CHANGES TO YOUR MAILING ADDRESS AND/OR PHONE NUMBER.**

Done at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_.

Signed \_\_\_\_\_  
Investigating Officer for the United States Coast Guard      Type or print name

**CERTIFICATE OF SERVICE**

- ☐ I hereby certify that I have personally served the foregoing document[s] upon the Respondent.
- ☐ I hereby certify that I have served the foregoing document[s] upon the following parties (or their designated representatives) to this proceeding at the addresses indicated by

Name of Party:  
Address:

Name of Party:  
Address:

- ☐ I hereby certify that I have filed the foregoing document[s] with the ALJ Docketing Center by

Signed \_\_\_\_\_ Date \_\_\_\_\_  
Investigating Officer for the United States Coast Guard

ORIGINAL—Respondent  
COPY—ALJ Docketing Center  
COPY—Marine Safety Office